

1 **Amendment of the Specification**

2       The Examiner, at page 2, paragraph 1, has objected to the Specification references  
3 at pages 11, 12, 16 and 17 regarding "an adhesive or a mechanical fixing means between  
4 the vane tip (98) and the groove (150)" advising that such comprises new matter. Your  
5 applicant respectfully urges that the drawings demonstrate that a vane (97) at the vane tip  
6 (98) is received and secured into a groove (150) formed in the inner wall (140). The at  
7 least one groove (150) sized to receive at least one vane (90). Those of ordinary skills in  
8 these arts will appreciate that forces are exerted on the vanes (97) and structures of this  
9 invention and that a restraining or securing means, comprised of a chemical or  
10 mechanical process, will be likely found in assemblies. It will be appreciated that among  
11 those restraining and or securing means will be the prospect for a chemical or mechanical  
12 bonding to be among the possible restraining or securing means. It will also be expected  
13 that adhesive means may be employed. Other restraining or securing means will also be  
14 appreciated by those of ordinary skill in these arts.

15       Your applicant has identified "restraining means securing the at least one inner  
16 core (70)" as structure retaining the inner core (70) in place. The Examiner's objection  
17 to identifying the "restraining means" and requiring removal to the phrase "an adhesive or  
18 a mechanical fixing means between the vane tip (98) and the groove (150)" will continue  
19 to allow your applicant the opportunity to urge that such "restraining means" or "securing  
20 means" will be appreciated by those of ordinary skills to include chemical bonding,  
21 adhesives or mechanical fixing or bonding means. However, specious arguments may be  
22 raised by an incorrect understanding of the holding in *Warner-Jenkinson Co., Inc. v.*  
23 *Hilton Davis Chemical Co.* 117 S.Ct. 1040, 1048 (U.S.1997). The view from *Boler Co.*  
24 *v. Neway Anchorlock* 92 F.Supp.2d 680, 684 (N.D.Ohio 2000) and as seen in *LRC*  
25 *Electronics, Inc. v. John Mezzalingua Associates, Inc.* 974 F.Supp. 171, 180-81

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1 (N.D.N.Y. 1997) will support the patent holders assertion that such recognized means  
2 will be understood from the claimed "restraining means" and "securing means".

3       However, your applicant makes two suggestions: 1. that retaining the phrase "an  
4 adhesive or a mechanical fixing means" will be of assistance where the specious defense  
5 is raised regarding the lack of such identified means within the specification and as  
6 claimed; and 2. that replacing the phrase "an adhesive or a mechanical fixing means" with  
7 "chemical or mechanical bonding". Hence, your applicant requests reconsideration of  
8 this matter and to allow the indicated phrase to remain in the case or to allow substitution  
9 of the indicated phrase.

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